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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/399,696 | 09/21/1999 | KEHSING J. CHOU | ST9-99-093 | 2558 |

7590

12/31/2002

SUGHRUE MION ZINN MACKEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, TAM V

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/399,696

Applicant(s)

CHOU ET AL.

Examiner

Tam V Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 and the added of claim 19-21 are pending in this office action. Claims 1-21 are presented for examination. This office action is in response to the argument filed on 10/23/02.

Response to Arguments

2. Applicant's arguments filed 10/23/02 have been fully considered but they are not persuasive.

The applicant argued, "Jindal fails to teach or suggest, "selecting a server ... based on whether the server can satisfy the request for data"".

In response, the examiner respectfully disagrees with the argument because Jindal shows where the selected policy requires choosing the least-loaded server (e.g., that which has the fastest response time) or where the selected policy requires choosing the closest server, (col. 6, lines 32-46). Therefore, the examiner maintains the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. ("Performance Comparison of Three Alternatives of Distributed Multidatabase Systems: A Global Query Perspective") in view of Jindal et al. (US 6324580B1).

Re claims 1 and 13, Chen discloses receiving a request for data at a federated data source, (Pages 54, 1st Col., lines 6-2nd Col., lines 2 and see abstract).

Chen does not clearly teach selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data.

Jindal teaches selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data, (Col. 6, lines 4-Col. 7, lines 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen by including selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data, as taught by Jindal, so the computer server capable of efficiently satisfying the needs of a limited number of clients, (Col. 1, lines 8-16).

Re claims 2, 8, and 14, Jindal further discloses forwarding the request to the selected server, (Col. 6, lines 4-Col. 7, lines 21).

Re claims 3, 9, and 15, Jindal further discloses forwarding additional requests for similar data to the selected server, (Col. 6, lines 4-Col. 7, lines 21).

Re claims 4, 10, and 16, Chen further discloses wherein the server is within a server hierarchy, (Pages 54, 2nd Col., lines 25-Pages 55, 1st Col., lines 5 and see fig. 3).

Re claims 5, 11, and 17, Chen further discloses upon receiving a request to add another server, connecting the server to an existing server in the server hierarchy based on a number of connections of the existing server, (Pages 54, 2nd Col., lines 25-Pages 55, 1st Col., lines 5 and see fig. 3).

Re claims 6, 12, and 18, Chen further discloses upon receiving a request to delete an existing server in the hierarchy, deleting that server, (Pages 54, 1st Col., lines 25-Pages 55, 1st Col., lines 5 and see fig. 3).

Re claim 7, the subject matter of claim 7 are rejected in the analyzed above in claim 1; therefore, claim 7 is also rejected for the same reasons as given in claim 1.

Re claims 19-21, Jindal further discloses wherein said load of the server is based on at least the ratio of a current load of the server and a maximum load of the server, (Col. 6, lines 32-46).

Conclusion

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

7. **Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam V Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on 7:30AM-5: 00PM.**


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for formal communications and (703) 746-7240 for informal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia 22202. Fourth Floor (Receptionist).

8. **Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.**

TV:tv

12/18/02


JEAN M. CORRIELUS
PRIMARY EXAMINER